

323-04/MEU/LJK

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HBC HAMBURG BULK CARRIERS GMBH
& CO. KG,

04 CIV _____ ()

Plaintiff,

-against-

PROTEINAS Y OLEICOS S.A. DE C.V.,

**UNGER AFFIDAVIT IN
SUPPORT OF ORDER
APPOINTING PERSON TO
SERVE PROCESS PURSUANT
TO RULE 4(c)**

Defendant.

-----X
State of New York)
) ss.:
County of New York)

MICHAEL E. UNGER, being duly sworn, deposes and says as follows:

1. I am a member of the Bar of the United States District Court, Southern District of New York, admitted to practice before this Court and a partner with the law firm of FREEHILL HOGAN & MAHAR, LLP, attorneys for Plaintiff in this action.


2. I am fully familiar with the matters set forth in this affidavit, which is submitted in support of Plaintiff's application pursuant to Rule 4(c) of the Federal Rules of Civil Procedure for an Order appointing Lawrence Kahn, Andrea Campbell, Robert Ridenour, Joan Sorrentino, or any other partner, associate, paralegal or other agent of Freehill Hogan & Mahar, LLP, in addition to the United States Marshal, to serve the

Process of Attachment and Garnishment issued pursuant to FRCP Supplemental Rule B upon the named garnishee(s) as well as any other garnishee(s) who (based upon information developed subsequent hereto) may hold assets of, for, or on behalf of Defendant PROTEINAS Y OLEICOS, S.A. DE C.V.

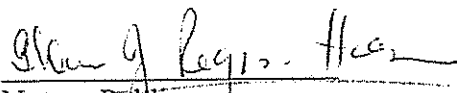
3. Plaintiff is desirous of serving the Process of Attachment and Garnishment on the garnishee(s) with all deliberate speed so that it will be fully protected against the possibility of not being able to satisfy a judgment or arbitral award that may ultimately be entered by Plaintiff against the Defendant.

4. To the extent the Application for an Order Appointing a Special Process Server with respect to this attachment and garnishment does not involve a restraint of physical property, there is no need to require that the service be effected by the Marshal as it simply involves delivery of the process to the respect of the garnishee(s).

5. Plaintiff also requests that the Court grant it leave to serve any additional garnishee(s) who may be discovered in the course of this litigation to be holding property of Defendant PROTEINAS Y OLEICOS, S.A. DE C.V. within this District. By obtaining leave at this time to serve these other possible garnishees, it will facilitate prompt service of the Process without the need to return to the Court for permission to amend the process to simply name other garnishees.


Michael E. Unger (MU 0045)

Sworn to before me this
25th day of August, 2004


Notary Public

GLORIA J. REGIS HOSEIN
Notary Public, State of New York
No. 01RE6065625, Qualified in Kings County
Certificate Filed in New York County
Commission Expires October 22, 2005